

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RICKY R. FRANKLIN,)	
)	
Plaintiff,)	Case No. 1:19-CV-3852-MLB
)	Honorable Judge Michael L.
v.)	Brown
)	
CITIMORTGAGE, INC.,)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	

CITIMORTGAGE, INC.’S MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant CitiMortgage, Inc. (“CMI”) and, pursuant to Fed. R. Civ. P. 56, LR 56.1, NDGa, this Court’s Standing Order No. 19-01, and this Court’s Standing Order Regarding Civil Litigation (Dkt. No. 45), respectfully moves this Court for an Order granting summary judgment in its favor and against Plaintiff Ricky R. Franklin (“Plaintiff”) on all of Plaintiff’s claims as alleged in his Complaint (Dkt. No. 3).

The pleadings of record and discovery between the parties establish there is no genuine dispute as to any material fact, and CMI has not violated the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227, *et seq.* As a result, CMI is entitled to judgment in its favor as to all counts in Plaintiff’s Complaint as a matter of law.

This Motion is based upon:

- (i) CMI's Brief in Support of the Motion, concurrently filed herewith;
- (ii) CMI's Statement of Material Facts, concurrently filed herewith;
- (iii) the Declaration of Kyle Ramey, dated March 25, 2021, in support of the Motion and all exhibits appended thereto;
- (iv) select pages from the deposition transcript of Ricky R. Franklin taken December 15, 2020 (Dkt. No. 48);
- (v) the Declaration of Amy L. Hanna Keeney, dated March 30, 2021, in support of the Motion and all exhibits appended thereto;
- (vi) the Declaration of Don Hudecek dated March 25, 2021, in support of the Motion and all exhibits appended thereto; and
- (vii) all other records and filings in this action.

WHEREFORE, CMI respectfully requests the Court grant this Motion and enter summary judgment in favor of CMI and against Plaintiff on all claims for relief in Plaintiff's Complaint.

Respectfully submitted this 31st day of March 2021.

ADAMS AND REESE LLP

3424 Peachtree Road NE
Suite 1600
Atlanta, Georgia 30326
Telephone: (470) 427-3700
Facsimile: (404) 238-9674
amyhanna.keeney@arlaw.com

/s/ Amy L. Hanna Keeney
Amy L. Hanna Keeney
Georgia Bar No. 509069

*Attorney for Defendant CitiMortgage,
Inc.*

CERTIFICATE OF COMPLIANCE

The undersigned hereby certify that the foregoing has been prepared in Times New Roman 14 font and is in compliance with United States District Court, Northern District of Georgia Local Rule 5.1.

This 31st day of March 2021.

ADAMS AND REESE LLP

3424 Peachtree Road NE
Suite 1600
Atlanta, Georgia 30326
Telephone: (470) 427-3700
Facsimile: (404) 238-9674
amyhanna.keeney@arlaw.com

/s/ Amy L. Hanna Keeney
Amy L. Hanna Keeney
Georgia Bar No. 509069

*Attorney for Defendant CitiMortgage,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2021, I electronically filed the foregoing ***MOTION FOR SUMMARY JUDGMENT*** with the Clerk of Court using the CM/ECF system, and, in accordance with Standing Order No. 19-01, caused a copy to be served by certified U.S. Mail, return receipt requested, to:

Ricky R. Franklin
708 Brambling Way
Stockbridge, GA 30281

ADAMS AND REESE LLP

/s/ Amy L. Hanna Keeney
Amy L. Hanna Keeney
Georgia Bar No. 509069

Counsel for Defendant CitiMortgage, Inc.

3424 Peachtree Road, NE, Suite 1600
Atlanta, GA 30326
Tel: (470) 427-3700
Fax: (404) 500-5975
amyhanna.keeney@arlaw.com